

REMARKS

Applicant respectfully traverses and requests reconsideration.

Applicant thanks the Examiner for notice that claims 1-4, 6-31 and 33-46 are allowable.

Applicant has amended claims 5 and 32 to correct an informality. Applicant respectfully submits that no new subject matter has been introduced in the aforementioned amendment.

The office action recites, “the drawings are objected to because in Fig. 3, blocks ‘301’, ‘305’, ‘306’, ‘314’, ‘308’ and ‘309’ should be functionally labeled.” Applicant submits a correct Fig. 3 for approval and notes that block 314 has no label due to size constraints and that the standards for drawings as set forth in 37 C.F.R. §1.84 are met.

The office action appears to suggest guidelines which illustrate the preferred layout for the specification of a utility application. While neither rejecting nor objecting to Applicant’s arrangement of the specification, the office action makes note that the Brief Summary of the Invention is missing. Applicant respectfully submits that 37 C.F.R. §1.73 is a permissive rule giving Applicant discretion to include or not include a Brief Summary of the Invention. Rule 73 provides that, “a brief summary of the invention indicating its nature and substance...should precede the detailed description.” (Emphasis added). As a result, Applicant has chosen not to include a heading of Brief Summary of the Invention.

Claims 5 and 32 stand rejected under 35 U.S.C. §112, 2nd para. as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. As mentioned *intra*, Applicant has amended both claims 5 and 32 such that the phrase “for on the pixel as a whole” now reads “for the pixel as a whole.” Applicant respectfully draws the Examiner’s attention to page 8, lines 14-16 of the specification where it is taught “the properties processed according to the method may be one or more individual pixel parameters, an aggregation of pixel parameters, or a value that characterizes the pixel as a whole.”

(Emphasis added). Applicant respectfully believes that the amendment to claims 5 and 32 clarify the aforementioned claims such that they now particularly point out and distinctly claim the subject matter which Applicant regards as the invention as required by 35 U.S.C. §112, 2nd para.

Applicant respectfully submits that the claims are now in condition for allowance and an early Notice of Allowance is earnestly solicited. The Examiner is invited to telephone the below-listed attorney if the Examiner believes that a telephone conference will expedite the prosecution of the application.

Respectfully submitted,

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